

NAKATSUKA et al.
Application No. 09/986,771
September 18, 2007

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-6, 8-14, 16-27 and 29-44 are pending in this application. Claims 29-37 have been withdrawn from consideration.

Rejection Under 35 U.S.C. §102:

Claims 1-6, 8-14, 16-27 and 38-44 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Yoshitomi et al. (U.S. '998, hereinafter "Yoshitomi"). Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Yoshitomi fails to disclose every claim element of the claimed invention. For example, Yoshitomi fails to disclose the following limitation of claim 1 (similar comments apply to independent claims 12-14, 25-27 and 38):

correlation evaluation section for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage section and said second operation timing storage section.

Page 3, line 6 of the Office Action alleges that col. 3, lines 48-67 of Yoshitomi discloses the above-noted limitation. Applicant disagrees with this allegation. Col. 3, lines 48-67 Yoshitomi discloses the following:

scrolling device which continuously changes the relationship between the musical piece and the display range in response to a predetermined record start manipulation of the input apparatus so that the editing position in the edit screen continuously changes forwards or backwards with respect to the musical piece; and edit recording

device which detects at least one part of the manipulations of the timing manipulation members and the plurality of selection manipulation members with respect to the input apparatus while the relationship between the musical piece and the display range is being changed by the scrolling device, displays a note mark corresponding to the detected manipulation in the edit screen, and changes the performance data so that the manipulation corresponding to the note mark is stipulated in the performance data.

According to this aspect, the scrolling of the edit screen starts when a record start manipulation is carried out to the input apparatus. Then, when the timing manipulation member and selection manipulation member of the input apparatus are manipulated during scrolling, a note mark is displayed in the edit screen in accordance with the manipulation and the performance data is changed in accordance with the change in the display. Therefore, the manipulations of the input apparatus in a predetermined range of the musical piece can be efficiently edited.

The above portion of Yoshitomi merely relates to editing data of a musical piece, and not to evaluating correlation of operation timing data between two different game machines.

Other portions (Figs. 4 and 8; cols. 12-13) of Yoshitomi disclose determining the degree of match between operation timing of a solo player with predefined operation timing data, or timing data of twin players with predefined operation timing data. This appears to be relevant to, for example, claim 2 which states “independent evaluation section for evaluating whether the timing based on the data stored in said first operation timing storage section is in a predetermined range from the timing based on said operation timing data.” While Yoshitomi thus discloses evaluating correlation between actually played timing data from a first machine and displayed operation timing data, Yoshitomi does not disclose evaluating correlation between actually played timing data from two different machines.

Independent claims 40 and 42 each requires an absolute time lag and a relative time lag. For example, independent claim 40 requires, *inter alia*, “determining a relative time lag between the operation timings of the operation switches operated by the player on the game machine and the operation timings of the operation switches operated by the another player on the another game machine,” and independent claim 42 requires, *inter alia*, “determining a relative time lag between the operation timings of the switches on the first game machine by the first user and the operation timings of the switches on the second game machine by the second user.” While Yoshitomi discloses an absolute time lag for at least one player, Yoshitomi does not further disclose a relative time lag (i.e., time lag between the operation timings of the operation switches operated by one player on one game machine and the operation timings of the operation switches operated by another player on another game machine).

With respect to dependent claims 8 and 21, Yoshitomi fails to disclose *infrared* communications. Indeed, it appears that Yoshitomi fails to disclose any other *wireless* communications. The Office Action (e.g., pages 3-4) fail to even address this limitation.

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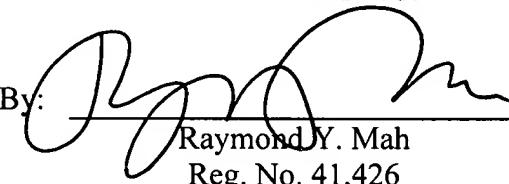
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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